

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Case No. [21-cv-05533-EMC](#)

ORDER OF DISMISSAL

Docket No. 1

The above-captioned pro se civil rights action was filed on July 16, 2021. Docket No. 1. On that date, the Court notified Plaintiff in writing that the action was deficient due to the failure to pay the filing fee or, instead, to file a completed and signed Court-approved *in forma pauperis* application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. Docket No. 2. Plaintiff was advised that failure to pay the fee or file the application within 28 days would result in dismissal of the action. Plaintiff did not pay the filing fee or file an *in forma pauperis* application, and the deadline by which to do so has long passed. The action is therefore **DISMISSED** without prejudice. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

Dated: October 4, 2021



EDWARD M. CHEN
United States District Judge